

Message Text

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ACTION AEC-11

INFO OCT-01 EA-07 ISO-00 SCI-01 DRC-01 RSC-01 /022 W

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R 240647Z MAY 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 2088

UNCLAS TOKYO 6787

E.O. 11652: N/A

TAGS: TECH, JA

SUBJECT: REQUIREMENTS TYPE ENRICHING SERVICES CONTRACTS

DEPT PASS AEC FOR HOYLE

1. REF TELEX 8273 FROM HOYLE TO HELFRICH DATED MAY 7, 1974, RE EXERCISE OF PU RECYCLE OPTION UNDER REQUIREMENTS TYPE CONTRACTS. KANSAI ELECTRIC POWER CO HAS RAISED SEVERAL QUESTIONS ON THIS MATTER AND WOULD APPRECIATE EARLY REPLY SO THEY CAN DETERMINE WHETHER OR NOT THEY WISH TO EXERCISE OPTION. SINCE KEPCO HAS SEVEN PLANTS COVERED BY REQUIREMENTS CONTRACTS, THEY CONSIDER IT VERY IMPORTANT ISSUE.

2. IF KEPCO DOES NOT EXERCISE OPTION NOW, CAN THEY AT SOME FUTURE DATE NOTIFY COMMISSION OF PARTIAL TERMINATION EQUIVALENT TO PU RECYCLE AND AVOID TERMINATION PENALTY IF DATE OF NOTICE PRECEEDS DATE OF START OF PU RECYCLE BY PERIOD OF TIME EQUAL TO OR IN EXCESS OF PERIOD SPECIFIED IN CONTRACT FOR NO TERMINATION CHARGE. WHILE THIS WOULD APPEAR POSSIBLE UNDER ARTICLE IX AND ALSO IS IMPLIED BY LANGUAGE OF REFTTELEX, IT APPEARS TO BE IN CONFLICT WITH ARTICLE 2.B OF APPENDIX A WHICH NOW STATES THAT NO RECOVERED PU WILL BE RECYCLED INTO REACTOR, EXCEPT IN ACCORDANCE WITH EXERCISE OF PU RECYCLE OPTION BY JUNE 30, 1974. KEPCO WOULD APPRECIATE COMMISSION VIEW ON THIS AND, IF ANSWER NEGATIVE, WOULD LIKE RECEIVE BASIS FOR COMMISSION POSITION.

3. IF KEPCO EXERCISES PU RECYCLE OPTION, IT WOULD BECOME EFFECTIVE UPON GENERIC APPROVAL OF PU RECYCLE BY USAEC DIRECTOR OF REGULATION. HOWEVER, IF REGULATION DID NOT APPROVE RECYCLE BUT JAPANESE REGU-
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LATORY AUTHORITIES DID APPROVE IT, WOULD PU RECYCLE SCHEDULE THEN

BECOME EFFECTIVE?

4. LEPCO WOULD ALSO LIKE REVIEW ACTUAL CONTRACT MODIFICATION LANGUAGE PRIOR TO MAKING DECISION. PLEASE ADVISE WHEN IT WILL BE AVAILABLE.

5. ON SEPARATE SUBJECT KEPCO INQUIRED IF SPARE FUEL ASSEMBLIES OBTAINED UNDER TAKAHAMA-I CONTRACT COULD BE USED FOR TAKAHAMA-II. LANGUAGE OF APPENDIX A OF THOSE CONTRACTS WOULD SEEM SUPPORT SUCH USE BUT WOULD APPRECIATE CONFIRMATION.

6. KEPCO WOULD ALSO LIKE KNOW WHEN THEY CAN EXPECT RECEIVE SIGNATURE DOCUMENTS FOR FIXED COMMITMENT CONTRACTS COVERING UNITS N-ONE TO SIX.
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